

COMMITTEE ON HEALTH
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2556
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-2204, Arizona Revised Statutes, is amended to
3 read:

4 36-2204. Medical control

5 The medical director of the emergency medical services and trauma
6 system, the emergency medical services council and the medical direction
7 commission shall recommend to the director the following standards and
8 criteria that pertain to the quality of emergency patient care:

9 1. Statewide standardized training, certification and recertification
10 standards for all classifications of emergency medical care technicians.

11 2. A standardized and validated testing procedure for all
12 classifications of emergency medical care technicians.

13 3. Medical standards for certification and recertification of training
14 programs for all classifications of emergency medical care technicians.

15 4. Standardized continuing education criteria for all classifications
16 of emergency medical care technicians.

17 5. Medical standards for certification and recertification of
18 certified emergency receiving facilities and advanced life support base
19 hospitals and approval of physicians providing medical control or medical
20 direction for any classification of emergency medical care technicians who
21 are required to be under medical control or medical direction.

22 6. Standards and mechanisms for monitoring and ongoing evaluation of
23 performance levels of all classifications of emergency medical care
24 technicians, emergency receiving facilities and advanced life support base
25 hospitals and approval of physicians providing medical control or medical
26 direction for any classification of emergency medical care technicians who
27 are required to be under medical control or medical direction.

28 7. Objective criteria and mechanisms for decertification of all
29 classifications of emergency medical care technicians, emergency receiving
30 facilities and advanced life support base hospitals and for disapproval of
31 physicians providing medical control or medical direction for any
32 classification of emergency care technicians who are required to be under
33 medical control or medical direction.

34 8. Medical standards for nonphysician prehospital treatment and
35 prehospital triage of patients requiring emergency medical services.

1 9. Standards for emergency medical dispatcher training, including
2 prearrival instructions. For the purposes of this paragraph, "emergency
3 medical dispatch" means the receipt of calls requesting emergency medical
4 services and the response of appropriate resources to the appropriate
5 location.

6 10. Standards for a quality assurance process for components of the
7 emergency medical services system, including standards for maintaining the
8 confidentiality of the information considered in the course of quality
9 assurance and the records of the ~~activities of~~ quality assurance ~~process~~
10 **ACTIVITIES** pursuant to section ~~36-2401~~ **36-2403**.

11 11. Standards for ambulance service and medical transportation that
12 give consideration to the differences between urban, rural and wilderness
13 areas.

14 12. Standards to allow an ambulance to transport a patient to a health
15 care institution that is licensed as a special hospital and that is
16 physically connected to an emergency receiving facility.

17 Sec. 2. Heading change

18 The article heading of title 36, chapter 25, article 1, Arizona Revised
19 Statutes, is changed from "HEALTH CARE ENTITY QUALITY ASSURANCE PROCESS" to
20 "HEALTH CARE ENTITY QUALITY ASSURANCE ACTIVITIES".

21 Sec. 3. Section 36-2401, Arizona Revised Statutes, is amended to read:
22 **36-2401. Definitions**

23 In this article, unless the context otherwise requires:

24 1. "Health care entity" means any of the following:

25 (a) A licensed health care provider.

26 (b) An entity that provides ~~or contracts to provide~~ health care
27 services ~~other than a hospital or outpatient surgical center~~ **THROUGH ONE OR**
28 **MORE LICENSED HEALTH CARE PROVIDERS.**

29 (c) **AN ENTITY THAT CONTRACTS TO PROVIDE OR PAYS FOR HEALTH CARE**
30 **SERVICES.**

31 ~~(e)~~ (d) A professional organization of licensed health care
32 providers.

33 ~~(d)~~ (e) A utilization or quality control peer review organization.

34 ~~(e)~~ (f) A state health care provider.

35 ~~(f)~~ (g) A component of the statewide trauma system.

36 ~~(g)~~ (h) A qualifying community health center as defined in section
37 36-2907.06.

38 (i) **A COMMITTEE OR OTHER ORGANIZATIONAL STRUCTURE OF A HEALTH CARE**
39 **ENTITY.**

1 2. "Licensed health care provider" means a person or institution THAT
2 IS licensed or certified, ~~or a corporation, all of whose members or~~
3 ~~shareholders are licensed or certified,~~ by this state to provide health
4 care, medical services, nursing services or other health-related services
5 ~~other than a licensed hospital and outpatient surgical center.~~

6 3. ~~"Malice" means evil intent and outrageous, oppressive or~~
7 ~~intolerable conduct that creates a substantial risk of tremendous harm to~~
8 ~~others.~~

9 4. ~~"Quality assurance process" means a process that is adopted by a~~
10 ~~health care entity and that follows written standards and criteria. The~~
11 ~~process includes the activities of a health care entity or any of its~~
12 ~~committees that investigate the quality of health care through the review of~~
13 ~~professional practices, training and experience, patient cases or conduct of~~
14 ~~licensed health care providers, or encourage proper utilization of health~~
15 ~~care services and facilities.~~

16 3. "QUALITY ASSURANCE ACTIVITIES" MEANS ACTIVITIES OR PROCEEDINGS OF A
17 HEALTH CARE ENTITY:

18 (a) THAT ARE ESTABLISHED FOR THE PURPOSES OF REDUCING MORBIDITY AND
19 MORTALITY AND FOR IMPROVING THE QUALITY OF HEALTH CARE OR ENCOURAGING PROPER
20 UTILIZATION OF HEALTH CARE SERVICES AND FACILITIES THROUGH THE REVIEW OF THE
21 QUALIFICATIONS, PROFESSIONAL PRACTICES, TRAINING, EXPERIENCE, PATIENT CARE,
22 CONDUCT, PROCESSES OR DATA OF LICENSED HEALTH CARE PROVIDERS.

23 (b) THAT FOLLOW A PROCESS ADOPTED BY THE HEALTH CARE ENTITY THAT
24 INCLUDES WRITTEN STANDARDS AND CRITERIA.

25 4. "QUALITY ASSURANCE INFORMATION" MEANS INFORMATION IN ORAL, WRITTEN
26 OR DIGITAL FORM THAT IS SUBMITTED TO, PREPARED FOR OR BY OR CONSIDERED BY A
27 HEALTH CARE ENTITY FOR OR IN THE COURSE OF QUALITY ASSURANCE ACTIVITIES,
28 INCLUDING THE RECORD OF THE HEALTH CARE ENTITY'S ACTIONS AND PROCEEDINGS.

29 5. "State health care provider" means a department, agency, board or
30 commission of the state and its officers, agents and employees that is a
31 health care provider to clients, wards, patients or other persons in the
32 control or custody of a department, agency, board or commission of the state
33 and a health care provider rendering health care services on behalf of the
34 state that is covered by insurance or self-insurance pursuant to section
35 41-621, 41-622 or 41-623.

36 Sec. 4. Section 36-2402, Arizona Revised Statutes, is amended to read:

37 36-2402. Quality assurance activities; sharing of quality
38 assurance information; immunity

1 ~~A. The written standards and criteria for a quality assurance process~~
2 ~~must be available to all licensed health care providers that conduct or are~~
3 ~~subject to a quality assurance process.~~

4 A. STATE HEALTH CARE PROVIDERS, HOSPITALS AND OUTPATIENT SURGICAL
5 CENTERS SHALL, AND OTHER HEALTH CARE ENTITIES MAY, CONDUCT QUALITY ASSURANCE
6 ACTIVITIES.

7 B. A HEALTH CARE ENTITY MAY SHARE QUALITY ASSURANCE INFORMATION WITH
8 APPROPRIATE STATE LICENSING OR CERTIFYING AGENCIES AND WITH LICENSED HEALTH
9 CARE PROVIDERS WHO ARE THE SUBJECT OF QUALITY ASSURANCE ACTIVITIES.

10 C. A HEALTH CARE ENTITY MAY SHARE QUALITY ASSURANCE INFORMATION WITH
11 OTHER HEALTH CARE ENTITIES ONLY FOR THE PURPOSE OF CONDUCTING QUALITY
12 ASSURANCE ACTIVITIES.

13 ~~B.~~ D. A health care entity or person that, ~~without malice,~~ provides
14 OR RECEIVES information, THAT PARTICIPATES, takes any action or makes any
15 decision or recommendation in the course of ~~a~~ quality assurance ~~process~~
16 ACTIVITIES or that furnishes any records, information or assistance to a
17 health care entity FOR OR in the course of ~~a~~ quality assurance ~~process shall~~
18 ~~not be~~ ACTIVITIES IS NOT subject to liability for civil damages or any legal
19 action in consequence of such action EXCEPT AS PROVIDED IN SECTION 36-445.02.
20 ~~Malice shall be determined by the court and must be based on a finding from~~
21 ~~clear and convincing evidence. This section shall not be construed to~~
22 ~~relieve any person of liability arising from treatment of a patient.~~

23 ~~G.~~ E. ~~Health care~~ Quality assurance ~~review~~ activities conducted by
24 state, county or local medical, pharmacy and dental associations and
25 societies on behalf of a health care entity, ~~licensed hospital, outpatient~~
26 ~~surgical center, state or federal health program or other health maintenance~~
27 ~~organization~~ are immune from civil liability to the same degree as the
28 facility for which the review activities are conducted.

29 ~~D. This section applies to a committee consisting of two or more~~
30 ~~qualifying community health centers as defined in section 36-2907.06 to~~
31 ~~review quality assurance information.~~

32 F. HEALTH CARE ENTITIES MAY JOINTLY CONDUCT QUALITY ASSURANCE
33 ACTIVITIES.

34 G. THIS SECTION DOES NOT RELIEVE ANY HEALTH CARE ENTITY FROM LIABILITY
35 ARISING FROM THE TREATMENT OF A PATIENT OR FROM NEGLIGENT CREDENTIALING
36 DECISIONS.

1 CONFIDENTIALITY OF THE INFORMATION SHARED. GOVERNING BODIES AND
2 ADMINISTRATIVE AND OTHER PERSONNEL OF A HEALTH CARE ENTITY MAY PARTICIPATE IN
3 QUALITY ASSURANCE ACTIVITIES WITHOUT WAIVING CONFIDENTIALITY. ALL
4 INDIVIDUALS OR ENTITIES SHARING OR RECEIVING QUALITY ASSURANCE INFORMATION
5 SHALL MAINTAIN THE INFORMATION CONFIDENTIALLY IN ACCORDANCE WITH THIS
6 SECTION.

7 D. A STATE AGENCY OR THE AFFECTED LICENSED HEALTH CARE PROVIDER
8 RECEIVING OR REVIEWING QUALITY ASSURANCE INFORMATION PURSUANT TO SECTION
9 36-2402 SHALL MAINTAIN THE INFORMATION CONFIDENTIALLY, AND SUCH ENTITIES AND
10 INDIVIDUALS ARE SUBJECT TO THE SAME PROVISIONS CONCERNING DISCOVERY AND USE
11 IN LEGAL ACTIONS AS ARE HEALTH CARE ENTITIES.

12 E. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, INFORMATION THAT
13 IS OTHERWISE DISCOVERABLE DOES NOT BECOME CONFIDENTIAL BASED SOLELY ON ITS
14 SUBMISSION TO OR CONSIDERATION BY A HEALTH CARE ENTITY CONDUCTING
15 CONFIDENTIAL QUALITY ASSURANCE ACTIVITIES. A HEALTH CARE ENTITY CONDUCTING
16 QUALITY ASSURANCE ACTIVITIES MAY NOT PRODUCE SUCH INFORMATION IF DISCOVERY OF
17 SUCH INFORMATION MIGHT REVEAL THE DELIBERATIVE PROCESS ENGAGED IN DURING SUCH
18 QUALITY ASSURANCE ACTIVITIES.

19 Sec. 6. Repeal

20 Section 36-2404, Arizona Revised Statutes, is repealed.

21 Sec. 7. Intent

22 The intent of this act is to allow more health care entities to conduct
23 quality assurance activities and to specifically allow the sharing of quality
24 assurance information between entities without a waiver of privilege. It is
25 not the intent of this act to broaden the definitions of quality assurance
26 activities or quality assurance information."

27 Amend title to conform

and, as so amended, it do pass

HEATHER CARTER
Chairman

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2/10/15
H:laa

2556rc
02/05/2015
10:54 AM
C: mjh